

## **REMARKS**

The subject in-eye method for cleaning contact lenses requires a cleaner with water-containing beads prepared such that the bead size is smaller than the punctal opening of the eye. The water-containing beads are easily flushed from the ocular environment by normal tear flow. The cleaner may also be used to clean contact lenses with the cleaner applied directly to the lens, and digitally rubbed to remove accumulated debris on the lens.

Claim 17 has been amended to more clearly define the subject invention without the addition of new subject matter. Support for the amendment of claim 17 may be found in the subject specification on page 17, line 13, as well as other locations throughout the specification.

Claims 17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hu et al., WO 00/37049 (U.S. Patent Number 6,037,328) (hereinafter "HU").

Applicants respectfully traverse the subject rejection of claims 17-20 under 35 U.S.C. 103(a). HU teaches a lens care ophthalmic solution for preventing the deposition of lipids or other depositions on contact lenses. The Office contends the HU ". . . aqueous solution comprises many of the components of the claimed invention". The Office further asserts that particularly the HU ". . . composition comprises a thickening agent such as hydroxypropyl methyl cellulose (pg. 8), which aids in agglomerating said composition."

**This contention by the Office is incorrect.** While a thickening agent may be included in the composition of the present invention, a thickener that swells and absorbs moisture, such as for example hydroxypropyl methyl cellulose, **does not** aid in agglomeration. Rather, thickeners that swell and absorb moisture coat particles and serve as repelling agents or suspending agents, which separate particles.

To the contrary, the subject invention as disclosed and claimed is directed to an unique cleaner suitable for in-eye cleaning of contact lenses. The subject cleaner contains **water-containing abrasive beads** of a controlled size to inhibit sedimentation. By controlling the initial size of the abrasive bead agglomerates as claimed, the further extent of agglomeration is controlled so as to be compatible with ocular instillation. The same is neither taught nor suggested by HU. HU does teach a method of sterilizing a solution by forcing it through a 0.22 micron filter. The present invention however, is not related to a method of sterilizing a solution. Accordingly, the unique method of the present invention as disclosed and claimed in the subject application differs significantly from the lipid deposition preventing solution and "sterilization technique" teachings of HU. For these reasons in addition to others not set forth herein, the rejection of claims 17-20 under 35 U.S.C. 103(a) is thereby inappropriate. Withdrawal of the rejection claims 17-20 under 35 U.S.C. 103(a) is respectfully requested.

Pending claims 17-20 as now written are believed to be patentable.

Allowance of pending claims 17-20 is thereby respectfully requested.

Should there be any questions regarding this communication, please feel free to contact the undersigned at (636) 226-3340.

Respectfully submitted,

 9/26/03  
Rita D. Vacca  
Reg. No.: 33,624

Bausch & Lomb, Inc.  
One Bausch & Lomb Place  
Rochester, New York 14604-2701